

are exempt from the requirements in this section.

(f) *Waiver.* For any vessel, the Captain of the Port Lake Michigan or a designated representative may waive any of the requirements of this section, upon finding that operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purposes of safety or environmental safety.

[CGD09-07-008, 72 FR 32523, June 13, 2007]

§ 165.939 Safety Zones; Annual Fireworks Events in the Captain of the Port Buffalo Zone.

(a) *Safety zones.* The following areas are designated Safety zones and are listed geographically from New York to Ohio.

(1) *Boldt Castle 4th of July Fireworks, Heart Island, NY.*

(i) *Location.* All waters of the St. Lawrence River within a 500-foot radius of the land position: 44°20'39" N, 075°55'16" W; at Heart Island, NY. (DATUM: NAD 83).

(ii) *Enforcement date.* This section is effective from 9 p.m. to 10 p.m. on July 4 of each year.

(2) *Clayton Chamber of Commerce Fireworks, Calumet Island, NY.*

(i) *Location.* All waters of the St. Lawrence River within a 500-foot radius of land position: 44°15'05" N, 076°05'35" W; in Calumet Island Harbor, NY. (DATUM: NAD 83).

(ii) *Enforcement date.* This section is effective from 9 p.m. to 10 p.m. on July 1 of each year.

(3) *French Festival Fireworks, Cape Vincent, NY.*

(i) *Location.* All waters of the St. Lawrence River within a 500-foot radius of land position: 44°07'53" N, 076°20'02" W. (DATUM: NAD 83).

(ii) *Enforcement date.* This section is effective from 9:30 p.m. to 10:30 p.m. on the first or second weekend of July each year.

(4) *Brewerton Fireworks, Brewerton, NY.*

(i) *Location.* All waters of Lake Oneida within a 500-foot radius of barge position: 43°14'15" N, 076°08'03" W; in Brewerton, NY. (DATUM: NAD 83).

(ii) *Enforcement date.* This section is effective from 9:30 p.m. to 10:30 p.m. on the first weekend of July each year.

(5) *Celebrate Baldwinsville Fireworks, Baldwinsville, NY.*

(i) *Location.* All waters of the Seneca River within a 500-foot radius of land position: 43°09'21" N, 076°20'01" W. (DATUM: NAD 83).

(ii) *Enforcement date.* This section is effective from 9:30 p.m. to 10 p.m. on the third weekend of September each year.

(6) *Island Festival Fireworks Display, Baldwinsville, NY.*

(i) *Location.* All waters of the Seneca River within a 500-foot radius of land position: 43°09'25" N, 076°20'21" W; in Baldwinsville, NY. (DATUM: NAD 83).

(ii) *Enforcement date.* This section is effective from 10 p.m. to 10:30 p.m. on the first weekend of July each year.

(7) *Seneca River Days, Baldwinsville, NY.*

(i) *Location.* All waters of the Seneca River within a 500-foot radius of land position: 43°09'25" N, 076°20'21" W; in Baldwinsville, NY. (DATUM: NAD 83).

(ii) *Enforcement date.* This section is effective from 9:30 p.m. to 10:30 p.m. on the first weekend of July each year.

(8) *Oswego Harborfest, Oswego, NY.*

(i) *Location.* All waters of Lake Ontario within a 1,000-foot radius of barge position: 43°28'10" N, 076°31'04" W; in Oswego, NY. (DATUM: NAD 83).

(ii) *Enforcement date.* This section is effective from 9 p.m. to 10 p.m. on the last Saturday in July each year.

(9) *Village Fireworks, Sodus Point, NY.*

(i) *Location.* All waters of Sodus Bay within a 500-foot radius of land position: 43°16'27" N, 076°58'27" W; in Sodus Point, NY. (DATUM: NAD 83).

(ii) *Enforcement date.* This section is effective from 10 p.m. to 10:30 p.m. on the first Saturday in July each year.

(10) *City of Syracuse Fireworks Celebration, Syracuse, NY.*

(i) *Location.* All waters of Onondaga Lake within a 350-foot radius of land position: 43°03'37" N, 076°09'59" W; in Syracuse, NY. (DATUM: NAD 83).

(ii) *Enforcement date.* This section is effective from 9:30 p.m. to 10:30 p.m. on the last weekend in June each year.

(11) *Tom Graves Memorial Fireworks, Port Bay, NY.*

(i) *Location*. All waters of Port Bay within a 500-foot radius of barge position: 43°17'46" N, 076°50'02" W; in Port Bay, NY. (DATUM: NAD 83).

(ii) *Enforcement date*. This section is effective from 10 p.m. to 10:30 p.m. on the first weekend in July each year.

(12) *Rochester Harbor and Carousel Festival, Rochester, NY*.

(i) *Location*. All waters of Lake Ontario within a 500-foot radius of land position: 43°15'21" N, 077°36'19" W in Rochester, NY. (DATUM: NAD 83).

(ii) *Enforcement date*. This section is effective from 8 p.m. to 10 p.m. on June 24th of each year.

(13) *North Tonawanda Fireworks Display, Tonawanda, NY*.

(i) *Location*. All waters of the East Niagara River within a 500-foot radius of a barge located at position: 43°01'12" N, 078°53'36" W; in North Tonawanda, NY. (DATUM: NAD 83).

(ii) *Enforcement date*. This section is effective from 9:45 p.m. to 10:15 p.m. on July 4th of each year.

(14) *Tonawanda's Canal Fest Fireworks, Tonawanda, NY*.

(i) *Location*. All waters of the East Niagara River within a 500-foot radius of barge position: 43°01'12" N, 078°53'36" W; in Tonawanda, NY. (DATUM: NAD 83).

(ii) *Enforcement date*. This section is effective from 9:30 p.m. to 10:30 p.m. on the fourth Sunday in July each year.

(15) *Celebrate Erie Fireworks, Erie, PA*.

(i) *Location*. All waters of Presque Isle Bay within an 800-foot radius of land position: 42°08'19" N, 080°05'29" W; at the end of Dobbins Landing Pier, Erie, PA. (DATUM: NAD 83).

(ii) *Enforcement date*. This section is effective from 9:45 p.m. to 10:30 p.m. on the third weekend in August each year.

(16) *Ashtabula Area Fireworks, Walnut Beach, Ashtabula, OH*.

(i) *Location*. All waters of Lake Erie and Ashtabula Harbor within a 300-yard radius of land position: 41°54.167' N, 080°48.416' W; in Ashtabula, OH. (DATUM: NAD 83).

(ii) *Enforcement date*. This section is effective from 9:45 p.m. to 11 p.m. on the second weekend in July each year.

(17) *Fairport Harbor Mardi Gras, Fairport Harbor, OH*.

(i) *Location*. All waters of Fairport Harbor and Lake Erie within a 300-yard

radius of land position: 41°45.500' N, 081°16.300' W; east of the harbor entrance at Fairport Harbor Beach, OH. (DATUM: NAD 83).

(ii) *Enforcement date*. This section is effective from 9:45 p.m. to 11 p.m. on the first Saturday of July each year.

(18) *Lake County Perchfest Fireworks, Fairport, OH*.

(i) *Location*. All waters of Fairport Harbor and Lake Erie within a 300-yard radius of land position: 41°45.500' N, 081°16.300' W; in Fairport, OH. (DATUM: NAD 83).

(ii) *Enforcement date*. This section is effective from 9:45 p.m. to 11 p.m. on the second weekend in September each year.

(19) *Mentor Harbor Yacht Club Fireworks, Mentor Harbor, OH*.

(i) *Location*. All waters of Lake Erie and Mentor Harbor within a 200-yard radius of 41°43.200' N, 081°21.400' W (west of the harbor entrance); in Mentor Harbor, OH. (DATUM: NAD 83).

(ii) *Enforcement date*. This section is effective from 9:45 p.m. to 11 p.m. on the first weekend in July each year.

(20) *Browns Football Halftime Fireworks, Cleveland, OH*.

(i) *Location*. All navigable waters of Cleveland Harbor and Lake Erie beginning in approximate land position: 41°30.823' N, 081°41.620' W (the northwest corner of Burke Lakefront Airport); continuing northwest to 41°31.176' N, 081°41.884' W; then southwest to 41°30.810' N, 081°42.515' W; then southeast to 41°30.450' N, 081°42.222' W (the northwest corner of dock 28 at the Cleveland Port Authority) then northeast back to the starting point at 41°30.823' N, 081°41.620' W. (DATUM: NAD 83).

(ii) *Enforcement date*. This section is effective on a Sunday during the second or third Cleveland Browns home game each year.

(21) *City of Cleveland 4th of July Fireworks, Cleveland, OH*.

(i) *Location*. All navigable waters of Cleveland Harbor and Lake Erie within a 400-yard radius of Main Entrance Light 5 (LLNR 4180) at position: 41°30.23' N, 081°42.7' W; in Cleveland, OH. (DATUM: NAD 83).

(ii) *Enforcement date*. This section is effective from 9:45 p.m. to 11 p.m. on the first weekend in July each year.

(22) *Dollar Bank Jamboree Fireworks Display, Cleveland, OH.*

(i) *Location.* All navigable waters of Cleveland Harbor and Lake Erie beginning at land position: 41°30.823' N, 081°41.620' W (the northwest corner of Burke Lakefront Airport); continuing northwest to 41°31.176' N, 081°41.884' W; then southwest to 41°30.810' N, 081°42.515' W; then southeast to 41°30.450' N, 081°42.222' W (the northwest corner of dock 28 at the Cleveland Port Authority) then northeast back to the starting point at 41°30.823' N, 081°41.620' W. (DATUM: NAD 83).

(ii) *Enforcement date.* This section is effective from 9:45 p.m. to 11 p.m. on the first weekend in July each year.

(23) *Lakewood City Fireworks Display, Lakewood, OH.*

(i) *Location.* All waters of Lake Erie within a 200-yard radius of land position: 41°29.755' N, 081°47.780' W (off of Lakewood Park); in Lakewood, OH. (DATUM: NAD 83).

(ii) *Enforcement date.* This section is effective from 9:45 p.m. to 11 p.m. on the first weekend in July each year.

(24) *Cleveland Yachting Club Fireworks Display, Rocky River, OH.*

(i) *Location.* All waters of the Rocky River and Lake Erie within a 200-yard radius of land position 41°29.428' N, 081°50.309' W (DATUM: NAD 83) at Sunset Point on the western side of the mouth of the Rocky River in Cleveland, OH.

(ii) *Enforcement date.* This section is effective from 9:45 p.m. to 11 p.m. on the third weekend in July each year.

(25) *Lorain 4th of July Celebration Fireworks Display, Lorain, OH.*

(i) *Location.* All waters of Lorain Harbor within a 300-yard radius of land position 41°28.591' N, 082°10.855' W (DATUM: NAD 83), east of the harbor entrance on the end of the break wall near Spitzer's Marina.

(ii) *Enforcement date.* This section is effective from 9:45 p.m. to 11 p.m. on the first weekend in July each year.

(26) *Lorain Port Fest Fireworks Display, Lorain, OH.*

(i) *Location.* All waters of Lorain Harbor within a 250-yard radius of land position: 41°28.040' N, 082°10.365' W; in Lorain, OH (DATUM: NAD 83).

(ii) *Enforcement date.* This section is effective from 9:45 p.m. to 11 p.m. on the third weekend in July each year.

(b) *Definitions.* The following definitions apply to this section:

(1) *Designated Representative* means any Coast Guard commissioned, warrant, or petty officer designated by the Captain of the Port Buffalo to monitor a safety zone, permit entry into the zone, give legally enforceable orders to persons or vessels within the zones, and take other actions authorized by the Captain of the Port.

(2) *Public vessel* means vessels owned, chartered, or operated by the United States, or by a State or political subdivision thereof.

(c) *Regulations.* (1) In accordance with the general regulations in section 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo, or his designated representative.

(2)(i) These safety zones are closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated representative.

(ii) All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port or his designated representative.

(iii) Upon being hailed by the U.S. Coast Guard by siren, radio, flashing light or other means, the operator of a vessel shall proceed as directed.

(3)(i) All vessels must obtain permission from the Captain of the Port or his designated representative to enter, move within, or exit the safety zone established in this section when this safety zone is enforced.

(ii) Vessels and persons granted permission to enter the safety zone must obey all lawful orders or directions of the Captain of the Port or a designated representative.

(iii) While within a safety zone, all vessels must operate at the minimum speed necessary to maintain a safe course.

(d) *Exemption.* Public vessels, as defined in paragraph (b) of this section, are exempt from the requirements in this section.

(e) *Waiver.* For any vessel, the Captain of the Port Buffalo or his designated representative may waive any

§ 165.T11-036

33 CFR Ch. I (7-1-08 Edition)

of the requirements of this section, upon finding that operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purposes of public or environmental safety.

(f) *Notification.* The Captain of the Port Buffalo will notify the public that that the zones in this proposal are or will be enforced by all appropriate means to the affected segments of the public including publication in the FEDERAL REGISTER as practicable, in accordance with 33 CFR 165.7(a). Such means of notification may also include, but are not limited to Broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port will issue a Broadcast Notice to Mariners notifying the public when enforcement of the safety zone established by this section is cancelled.

[USCG-2008-0219, 73 FR 28705, May 19, 2008]

ELEVENTH COAST GUARD DISTRICT

§ 165.T11-036 Safety Zone; San Diego Symphony Orchestra; San Diego, CA.

(a) *Location.* The limits of the temporary safety zone would include a 150 radius around the anchored firing barge located at approximately 32°42'12" N., 117°10'01" W.

(b) *Enforcement Period.* This section will be enforced from 9 p.m. to 10 p.m. on each of the following days: June 14, June 27-28, July 4-6, July 11-13, July 18-20, July 24-26, August 1-3, August 8-10, August 15-16, August 21-23, and August 29-31, 2008. If the need for the safety zone ends before the scheduled termination time, the Captain of the Port will cease enforcement of this safety zone.

(c) *Definitions.* The following definition applies to this section: *Designated representative* means any commissioned, warrant, and petty officer of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state, and federal law enforcement vessels who has been authorized to act on the behalf of the Captain of the Port.

(d) *Regulations.* (1) In accordance with the general regulations in §165.23 of this part, entry into, transit through or anchoring within this zone by all

vessels is prohibited unless authorized by the Captain of the Port San Diego or his designated representative.

(2) Mariners requesting permission to transit through the safety zone may request authorization to do so from the Patrol Commander (PATCOM). The PATCOM may be contacted on VHF-FM Channel 16.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or his designated representative.

(4) Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(5) The Coast Guard may be assisted by other federal, state, or local agencies.

[USCG-2008-0399, 73 FR 35344, June 23, 2008]

EFFECTIVE DATE NOTE: By USCG-2008-0399, 73 FR 35344, June 23, 2008, temporary §165.T11-036 was added, effective June 14, 2008 through Aug. 31, 2008.

§ 165.1101 Security Zone: San Diego Bay, CA.

(a) *Location.* The following area is a security zone: the water area within Naval Station, San Diego enclosed by the following points: Beginning at 32°41'16.5" N, 117°08'01" W (Point A); thence running southwesterly to 32°40'58.3" N, 117°08'11.0" W (Point B); to 32°40'36.0" N 117°07'49.1" W (Point C); to 32°40'17.0" N, 117°07'34.6" W (Point D); to 32°39'36.4" N, 117°07'24.8" W (Point E); to 32°39'38.5" N 117°07'06.5" W, (Point F); thence running generally northwesterly along the shoreline of the Naval Station to the place of the beginning. All coordinates referenced use datum: NAD 1983.

(b) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port San Diego; Commander, Naval Base San Diego; Commander, Navy Region Southwest; or the Commanding Officer, Naval Station, San Diego.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 619-683-6495 or on VHF channel 16 (156.8 MHz) to seek permission to